

REMARKS

Reconsideration is respectfully requested. Claims 1-15 were present in the application. Claims 1 and 8 are amended. Withdrawn claims 5-7 are canceled. Claims 10-13 were previously canceled.

It is respectfully submitted that the additions to claims 1 and 8 made in the amendment are such as to not lead to new issues requiring further search and consideration.

Claims 1, 3, 8, 9, 14 and 15 are rejected under 35 USC §103(a) as allegedly being unpatentable over U.S. Pat. 6,512,919 by Ogasawara in view of U.S. Pat. 6,799,165 by Boesjes.

Applicant respectfully traverses.

In the Office Action, the Examiner states at page 2 as follows:

"Ogasawara discloses . . . storing software (e.g. purchase transaction program), which is requested on the network by one of the users, into one of the dedicated storage areas (e.g. different purchase transaction programs stored in Fig. 2, 52) uniquely allocated to said one of the users of the storage server (e.g. the claimed uniquely allocated reads on different download program IDs that represent different purchase transaction programs or dedicated storage areas) without sending the software directly to a portable data terminal of said one of the users (col.9, lines 6-65; col. 12, lines 51-63)".

First, while the Ogasawara's "download program" (or "purchase transaction program") stored in the download program memory (52, Fig. 2) could be unique to each customer or user as stated by the Examiner, however, Ogasawara fails to teach providing a storage including storage areas dedicated to respective users of the portable data terminals (or wireless telephones). What is uniquely allocated to each user in Ogasawara is a program (software) itself stored in a storage (download program memory 52 in Fig. 2) but not a storage area unlike in Applicant's invention. This could be understood by the fact that no programs other than the "download program" are stored in the memory 52. In contrast, what is uniquely allocated to each user in Applicant's invention is not software (program) but a storage area, and no software stored in the dedicated storage area is tailored to the user unlike in Ogasawara.

Second, in Ogasawara, the programs stored in the memory 252 are prepared at the store server 10 or the remote server 26 itself and are not those purchased from a software sales site.

The other cited reference relied on, Boesjes, may disclose the purchasing of the software at a software site, as pointed out in the Office Action. However, it fails to teach no more than that regarding the features of Applicant's invention.

The Examiner states in page 3 of the Office Action:

" Boesjes discloses . . . allocating a uniquely dedicated storage area for each user (Fig. 3, 132, Fig. 4, 142). "

However, the noted reference numerals indicate "shopper log storage" and "buyer log storage", which are for storing therein information of "date/time/network address, a list of queries and/or goods, and/or a shopper electronic mail address" (column 8, lines 58-62). Therefore, Ogasawara's "log storages" are not equivalent to the Applicant's storage that includes dedicated storage areas for storing purchase software.

The Examiner also states in page 3 of the Office Action:

"Boesjes discloses . . . storing software (e.g. digitally transferable good), which is purchase-requested at a software sales site (e.g. web site) on the network by one of the users, from the software sales site into the dedicated storage area uniquely allocated to said one of the users of the storage server without sending the software from the software sales site directly to said one of the users (col. 5, lines 40-51; col. 9, line 5- col. 10, line 2; col. 10, lines 19-25)."

It is respectfully submitted, however, that this seems to be incorrect. The "order storage area 150" (Fig. 5) stores therein purchased goods to be downloaded to a user terminal. The purchased goods are only temporarily stored in the order storage area 150. This is not the same as in Applicant's invention in which the purchased software is kept in the dedicated storage area after the software has been downloaded to the user terminal.

Therefore, it would have been difficult even for a person of ordinary skill in the art to combine Ogasawara with Boesjes such

that the download program memory in Ogasawara is used to store therein software purchased from a software sales site because there are no motivations or needs to do so for the following reason:

None of the references refers to nor suggests the problems (1)-(3) raised in page 2 of Applicant's specification to be solved by the invention. The Ogasawara's "purchase transaction program" stored in a storage is used for purchasing items on a sales site whereas the software stored in Applicant's dedicated storage area are those purchased from a sales site, with such a purchase transaction program. In addition, Ogasawara's programs stored in the download memory are tailored to each user whereas the same software can be stored in different dedicated storage areas in Applicant's invention.

Further, even if Ogasawara is combined with Boesjes, it would result in a different system with no dedicated storage areas therein as mentioned above.

It is accordingly submitted that claims 1, 3, 8, 9, 14 and 15 are neither taught nor suggested by Ogasawara or Boesjes, whether considered alone or when combined.

Claims 2 and 4 are rejected under 35 USC §103(a) as allegedly being unpatentable over Ogasawara in view of Boesjes and in further view of Zilliacus (USP 6,832,230).

Since claims 2 and 4 depend from claim 1, the above discussion will apply similarly. The addition of Zilliacus adds

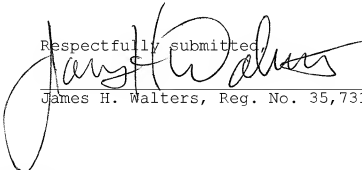
no further teaching or suggestion that would overcome the missing teachings of Ogasawara in view of Boesjes. Claims 2 and 4 are accordingly submitted to be allowable.

In view of the above, applicant respectfully believes that all the claim rejections under 35 USC 103 should be withdrawn.

It is believed that all necessary fees have been paid with the filing of this response. However, if additional fees are required to keep the application pending, or if refund is owed, please charge/refund deposit account 503036.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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